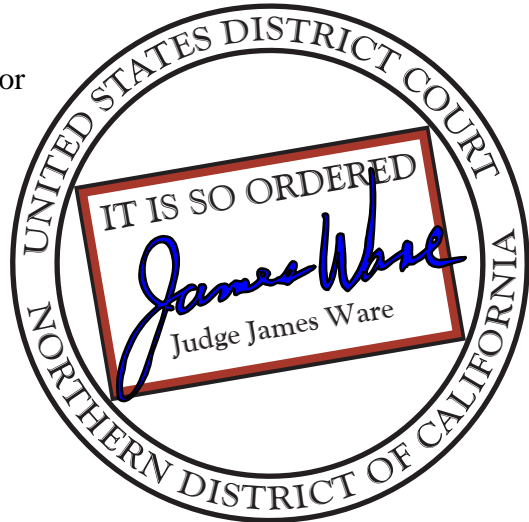


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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

HILDA L. SOLIS, SECRETARY OF
 LABOR, the United States Department of
 Labor,

Plaintiff,

vs.

VIGILANCE, INC., a forfeited foreign
 corporation, and VIGILANCE, INC.,
 401(k) PLAN, an employee benefit plan,

Defendants.

Case No. CV 08-5083-JW (PVT)

SECRETARY'S RESPONSE TO THE
 COURT'S JULY 9, 2009, JUDGMENT

ORDER VACATING HEARING

By Judgment dated July 9, 2009, this Court appointed Saakvitne Law Corporation as Independent Fiduciary of the Vigilance, Inc., 401(k) Plan. The Court also ordered the Independent Fiduciary to take various actions consistent with the termination of the Plan and file a Statement with the Court on or before December 4, 2009, apprising the Court of the status of the Plan's termination.

1 In compliance with the July 9, 2009, Judgment, the Plaintiff, Secretary of Labor,
2 United States Department of Labor, files the attached Statement of the Independent
3 Fiduciary apprising the Court that the Vigilance, Inc., 401(k) Plan has been terminated.

4 Dated: December 2, 2009

5 DEBORAH GREENFIELD
6 Acting Deputy Solicitor of Labor

7 LAWRENCE BREWSTER
8 Regional Solicitor

9 DANIELLE JABERG
10 Counsel for ERISA


11 By: /s/ Mary K. Alejandro
12 MARY K. ALEJANDRO
13 Deputy Regional Solicitor
14 (415) 625-7760

15 Attorneys for the Plaintiff

16 ***** ORDER *****

17 In light of the Plaintiff's representation and the Independent Fiduciary's report that
18 Vigilance, Inc., 401(k) has been terminated, the Court VACATES the December 14, 2009
19 hearing on an order to show cause why additional time is needed to terminate the plan.

20 Dated: December 7, 2009

21 
22 JAMES WARE
23 United States District Judge
24
25